

AMENDED IN SENATE JUNE 9, 2016

AMENDED IN ASSEMBLY MAY 27, 2016

AMENDED IN ASSEMBLY APRIL 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2164

Introduced by Assembly Members O'Donnell and Cooper
(Coauthor: Assembly Member Cristina Garcia)
(Coauthors: Senators Hertzberg and Vidak)

February 17, 2016

An act to amend Section 68120 of the Education Code, relating to public postsecondary educational institutions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2164, as amended, O'Donnell. Public postsecondary education: tuition and fees.

Existing law prohibits the Board of Directors of the Hastings College of the Law, the Trustees of the California State University, the governing boards of each community college district, and, if they adopt an appropriate resolution, the Regents of the University of California from collecting mandatory systemwide tuition and fees from any surviving spouse or surviving child of a deceased person who was a resident of the state and employed by or contracting with a public agency, whose principal duties consisted of active law enforcement service or active fire suppression and prevention, and who died as a result of his or her duties, as specified.

This bill would make that prohibition applicable to any mandatory tuition and fees rather than mandatory systemwide tuition and fees. The bill would also extend the application of those provisions to the

surviving spouse or surviving child of a person who died as a result of an industrial injury or illness arising out of and in the course of active law enforcement or fire suppression and prevention duties, and who otherwise met the above-referenced requirements. The bill would also make conforming changes.

To the extent the bill would impose additional duties on community college districts, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 68120 of the Education Code is amended
2 to read:
3 68120. (a) Notwithstanding any other law, no mandatory fees
4 or tuition of any kind shall be required of or collected by the
5 Regents of the University of California, the Board of Directors of
6 the Hastings College of the Law, the Trustees of the California
7 State University, or the Board of Governors of the California
8 Community Colleges from any surviving spouse or surviving child
9 of a deceased person who met all of the following requirements:
10 (1) He or she was a resident of this state.
11 (2) He or she was employed by a public agency or was a
12 contractor, or an employee of a contractor, performing services
13 for a public agency.
14 (3) His or her principal duties consisted of active law
15 enforcement service or active fire suppression and prevention.
16 This section shall not apply to a person whose principal duties
17 were clerical, even if he or she was subject to occasional call or
18 was occasionally called upon to perform duties within the scope
19 of active law enforcement or active fire suppression and prevention.
20 (4) He or she was killed in the performance of active law
21 enforcement or active fire suppression and prevention duties, died

1 as a result of an accident or an injury caused by external violence
2 or physical ~~force~~, *force* incurred in the performance of his or her
3 active law enforcement or active fire suppression and prevention
4 duties, or died as a result of an industrial injury or illness arising
5 out of and in the course of active law enforcement or fire
6 suppression and prevention duties.

7 (b) Notwithstanding subdivision (a), a person who qualifies for
8 the waiver of mandatory fees and tuition under this section as a
9 surviving child of a contractor, or of an employee of a contractor,
10 who performed services for a public agency shall, in addition to
11 the requirements set forth in subdivision (a), meet both of the
12 following requirements:

13 (1) Enrollment as an undergraduate student at a campus of the
14 University of California or the California State University or as a
15 student at a community college campus.

16 (2) Documentation that his or her annual income, including the
17 value of any support received from a parent, does not exceed the
18 maximum household income and asset level for an applicant for
19 a Cal Grant B award, as set forth in Section 69432.7.

20 (c) As used in this section:

21 (1) “Contractor” or “employee of a contractor” does not include
22 a security guard or security officer, as defined in Section 7582.1
23 of the Business and Professions Code.

24 (2) “Public agency” means the state or any city, city and county,
25 county, district, or other local authority or public body of or within
26 the state.

27 (3) “Surviving child” means either of the following:

28 (A) A surviving natural or adopted child of the deceased person.

29 (B) A surviving stepchild who meets both of the following
30 requirements:

31 (i) He or she was living or domiciled with the deceased person
32 at the time of his or her death.

33 (ii) He or she was claimed on the tax form most recently filed
34 by the deceased person prior to that person’s death, or he or she
35 received 50 percent or more of his or her support from that
36 deceased person in the tax year immediately preceding the death
37 of the deceased person, or both.

38 SEC. 2. If the Commission on State Mandates determines that
39 this act contains costs mandated by the state, reimbursement to
40 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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